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Raised Bill 6448
Public Hearing: 3-8-13

TO: MEMBERS OF THE TRANSPORTATION COMMITTEE
FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION (CTLA)
DATE: MARCH 8, 2013

RE: OPPOSITION TO RAISED BILL 6448 -- AN ACT CONCERNING THE QUICK
CLEARANCE OF STATE HIGHWAYS, TOWING AND TRANSPORTATION .

The CTLA opposes the immunity found in lines 147-152 of raised bill 6448, and respectfully contends that the section should be removed.

This proposal provides immunity to several actors who already enjoy governmental immunity, and expands that immunity to cover for-profit towing companies.

Any expansion of the immunity already granted to law enforcement agencies, officers and inspectors to include for-profit towing companies is strongly opposed by the CTLA.

The CTLA feels strongly that the broad expansion of immunity which favors companies profiting from their part in keeping highways clear is against public policy, as this throws the net too wide, possibly barring the courtroom doors to citizens that may have legitimate causes of action.

It is our understanding that tow truck companies are not currently dodging providing this service to the state because of their proper liability when damaging vehicles or roadways when they tow away cars blocking highways. In fact it appears this service is one sought after by members of the tow truck industry!

In addition, when no liability can attach it takes away any incentive for those tow truck companies currently profiting from this business to remove cars carefully so that the cars or the roadways are not damaged.

Finally, it should be pointed out that this immunity would not only bar a citizen whose car is damaged in a removal from bringing a claim, it would also bar the state or municipality from bringing a claim, even if the tow truck operator does severe damage to the roadway while removing the vehicle!

WE URGE YOU REMOVE THE IMMUNITY PROVISION IN RAISED BILL 6448. Thank you.